



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 13, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

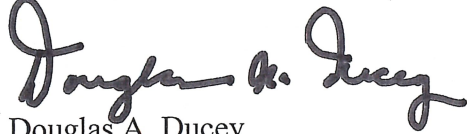
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 12, 2018:

HB 2081 insurance adjusters; application of laws (Livingston)
HB 2083 insurance contracts; construction (Livingston)
HB 2086 schools; diabetes management policies; pharmacists (Carter)
HB 2188 prisoners; special services fund; uses (Boyer)
HB 2192 military family relief fund; extension (Carter)
HB 2211 bankruptcy exemption; personal property (Thorpe)
HB 2228 AHCCCS; annual waiver; applicability (Cook)
HB 2246 jail; prohibited items; drugs (Farnsworth, E.)
HB 2314 misdemeanor sentence; authorized disposition (Farnsworth, E.)
HB 2315 intensive probation; employment wages; monitoring (Farnsworth, E.)
HB 2321 auricular acupuncturists; fingerprinting (Carter)
HB 2328 concealed weapons permit; electronic reports (Farnsworth, E.)
HB 2601 securities; crowdfunding; virtual coin offerings (Weninger)
HB 2602 running nodes; blockchain; regulation prohibition (Weninger)
SB 1034 committee of reference; standing committee (Kavanagh)
SB 1054 ASRS; nonparticipating employers (Fann)
SB 1090 Beirut barracks bombing remembrance day (Borrelli)
SB 1100 workers' compensation; claim settlement (Fann)
SB 1113 zoning violations; notice; service (Fann)
SB 1150 application fees; financial institutions department (Farnsworth, D.)

SB 1185 appropriations; named claimants (Kavanagh)
SB 1260 law enforcement officers; interviews; rights (Borrelli)
SB 1379 flood protection districts; divisions; electors (Pratt)
SB 1385 tax appeals; administrative hearings; confidentiality (Farnsworth, D.)
SB 1394 DHS; reporting; abortions (Barto)
SB 1431 memorial; veterans; suicide (Barto)
SB 1442 personal finance (Yee)
SB 1447 juror questionnaire; investigations (Griffin)
SB 1451 patient referral inducements; prohibited compensation (Barto)
SB 1455 civil traffic violations; procedures; penalties (Petersen)
SB 1493 environmental quality; dredge, fill permits (Griffin)
SB 1503 delinquent restitution; procedure (Smith)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 216

SENATE BILL 1260

AN ACT

AMENDING SECTIONS 38-1104 AND 38-1105, ARIZONA REVISED STATUTES; RELATING
TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-1104, Arizona Revised Statutes, is amended to
3 read:

4 38-1104. Internal investigations; employee representative;
5 polygraph examination; exception

6 A. If an employer interviews a law enforcement officer in the
7 course of an administrative investigation and the employer or law
8 enforcement officer reasonably believes that the interview could result in
9 dismissal, demotion or suspension:

10 1. The law enforcement officer may request to have a representative
11 of the officer present at no cost to the employer during the interview.
12 The law enforcement officer shall select a representative who is available
13 on reasonable notice so that the interview is not unreasonably delayed.
14 The representative shall participate in the interview only as an observer.
15 Unless agreed to by the employer, the representative shall not be an
16 attorney and shall be from the same agency except that if a representative
17 from the same agency is not reasonably available, with the employer's
18 permission, the law enforcement officer's representative may be from the
19 law enforcement officer's professional membership organization. THE LAW
20 ENFORCEMENT OFFICER'S REPRESENTATIVE MAY TAKE NOTES DURING THE INTERVIEW.
21 THE LAW ENFORCEMENT OFFICER AND THE OFFICER'S REPRESENTATIVE AND ATTORNEY
22 MAY USE NOTES TAKEN DURING THE INTERVIEW ONLY TO ASSIST THE OFFICER IN AN
23 INVESTIGATION OR A DISCIPLINARY MATTER. NOTES TAKEN BY THE LAW
24 ENFORCEMENT OFFICER, THE OFFICER'S REPRESENTATIVE OR THE OFFICER'S
25 ATTORNEY DO NOT CONSTITUTE AN OFFICIAL RECORD OF THE INTERVIEW. THE LAW
26 ENFORCEMENT OFFICER MAY DISCUSS THE OFFICER'S INTERVIEW WITH THE OFFICER'S
27 REPRESENTATIVE OR ATTORNEY. IF THE LAW ENFORCEMENT OFFICER OR THE
28 OFFICER'S REPRESENTATIVE OR ATTORNEY RELEASES INFORMATION WITHOUT
29 AUTHORIZATION, THE EMPLOYER MAY SUBJECT THE LAW ENFORCEMENT OFFICER OR THE
30 OFFICER'S REPRESENTATIVE, IF THE REPRESENTATIVE IS FROM THE SAME AGENCY,
31 TO DISCIPLINARY ACTION. The law enforcement officer shall be permitted
32 reasonable breaks of limited duration during any interview for telephonic
33 or in person consultation with authorized persons, including an attorney,
34 who are immediately available. An employer shall not discipline,
35 retaliate against or threaten to retaliate against a law enforcement
36 officer for requesting that a representative be present or for acting as
37 the representative of a law enforcement officer pursuant to this
38 paragraph.

39 2. Before the commencement of any interview described in this
40 section, the employer shall provide the law enforcement officer with a
41 written notice informing the officer of the alleged facts that are the
42 basis of the investigation, the specific nature of the investigation, the
43 officer's status in the investigation, all known allegations of misconduct
44 that are the reason for the interview and the officer's right to have a
45 representative present at the interview. The notice shall include copies

1 of all complaints that contain the alleged facts that are reasonably
2 available, except for copies of complaints that are filed with the
3 employer and that include allegations of unlawful discrimination,
4 harassment or retaliation or complaints that involve matters under the
5 jurisdiction of the UNITED STATES equal employment opportunity commission.

6 3. At the conclusion of the interview, the law enforcement officer
7 is entitled to a period of time to consult with the officer's
8 representative and may make a statement not to exceed five minutes
9 addressing specific facts or policies that are related to the interview.

10 B. Subsection A of this section does not require the employer to
11 either:

12 1. Stop an interview to issue another notice for allegations based
13 on information provided by the law enforcement officer during the
14 interview.

15 2. Disclose any fact to the law enforcement officer or the law
16 enforcement officer's representative that would impede the investigation.

17 C. Subsection A, paragraphs 1 and 2 of this section do not apply to
18 an interview of a law enforcement officer that is:

19 1. In the normal course of duty, counseling or instruction or an
20 informal verbal admonishment by, or other routine or unplanned contact
21 with, a supervisor or any other law enforcement officer.

22 2. Preliminary questioning to determine the scope of the
23 allegations or if an investigation is necessary.

24 3. Conducted during the course of a criminal investigation.

25 4. Conducted during the course of a polygraph examination.

26 D. The employer may require the law enforcement officer to submit
27 to a polygraph examination if the officer makes a statement to the
28 employer during the investigation that differs from other information
29 relating to the investigation that is known to the employer and
30 reconciling that difference is necessary to complete the investigation.
31 If a polygraph examination is administered pursuant to this ~~paragraph~~
32 SUBSECTION, the employer or the person administering the polygraph
33 examination shall make an audio recording of the complete polygraph
34 procedure and provide a copy of the recording to the law enforcement
35 officer. Section 38-1108 applies to a polygraph examination that is
36 administered pursuant to this subsection.

37 E. If after an employer completes an investigation of a law
38 enforcement officer the employer seeks disciplinary action, at the request
39 of the law enforcement officer, the employer shall provide a basic summary
40 of any discipline ordered against any other law enforcement officer of
41 generally similar rank and experience employed by the employer within the
42 previous two years for the same or a similar violation. As an
43 alternative, the employer may provide file copies of the relevant
44 disciplinary cases. The employer shall not take final action and the

1 employer shall not schedule a hearing until the basic summary or file
2 copies are provided to the law enforcement officer.

3 F. This section does not apply to a law enforcement officer who is
4 employed by an agency of this state as an at will employee.

5 Sec. 2. Section 38-1105, Arizona Revised Statutes, is amended to
6 read:

7 38-1105. Law enforcement officer as witness; right to
8 representation; exception

9 A. If a law enforcement officer is designated as a witness by the
10 law enforcement officer's employer in an investigation that could lead to
11 another law enforcement officer's dismissal, demotion or suspension, the
12 witness law enforcement officer may request to have a representative
13 present at no cost to the employer during the witness interview. Unless
14 agreed to by the employer, the representative shall be from the same
15 agency and shall not be an attorney except that if a representative from
16 the same agency is not reasonably available, with the employer's
17 permission, the witness law enforcement officer's representative may be
18 from the witness law enforcement officer's professional membership
19 organization. THE WITNESS LAW ENFORCEMENT OFFICER'S REPRESENTATIVE MAY
20 TAKE NOTES DURING THE INTERVIEW.

21 B. The witness law enforcement officer shall answer all questions
22 asked by the law enforcement officer's department investigator, and
23 information learned during a witness interview is considered proprietary
24 and confidential by the employer and shall remain so until the witness law
25 enforcement officer is served with a notice of investigation by the
26 employer or the witness law enforcement officer is released from the
27 confidentiality requirements of this section.

28 C. The witness law enforcement officer may discuss the law
29 enforcement officer's witness interview with the witness law enforcement
30 officer's representative or that representative's legal counsel. THE
31 WITNESS LAW ENFORCEMENT OFFICER, THE WITNESS LAW ENFORCEMENT OFFICER'S
32 REPRESENTATIVE OR THAT REPRESENTATIVE'S LEGAL COUNSEL MAY USE THE WITNESS
33 LAW ENFORCEMENT OFFICER REPRESENTATIVE'S NOTES ONLY TO ASSIST THE LAW
34 ENFORCEMENT OFFICER IN ANY INVESTIGATION OR DISCIPLINARY MATTER. NOTES
35 TAKEN BY THE WITNESS LAW ENFORCEMENT OFFICER, THE WITNESS LAW ENFORCEMENT
36 OFFICER'S REPRESENTATIVE OR THAT REPRESENTATIVE'S LEGAL COUNSEL DO NOT
37 CONSTITUTE AN OFFICIAL RECORD OF THE INTERVIEW. If the witness law
38 enforcement officer or the witness law enforcement officer's
39 representative releases information without authorization, the employer
40 may subject the witness law enforcement officer or the witness law
41 enforcement officer's representative to disciplinary action.

42 D. This section does not apply to a law enforcement officer who is
43 employed by an agency of this state as an at will employee.

APPROVED BY THE GOVERNOR APRIL 12, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2018

Passed the House April 3, 20 18,

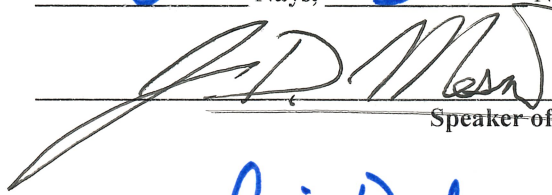
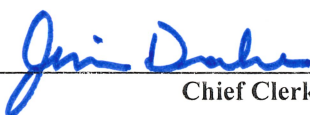
Passed the Senate February 21, 20 18,

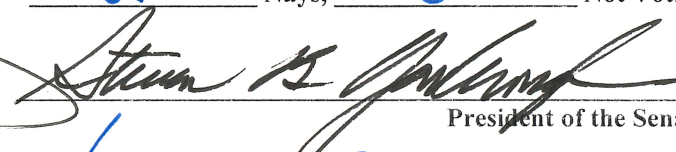
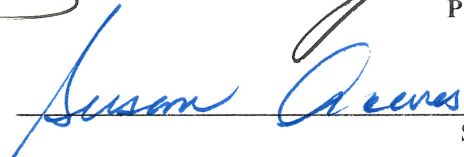
by the following vote: 57 Ayes,

by the following vote: 28 Ayes,

0 Nays, 3 Not Voting

2 Nays, 0 Not Voting


Speaker of the House

Chief Clerk of the House


President of the Senate

Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1260

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 9, 20 18

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

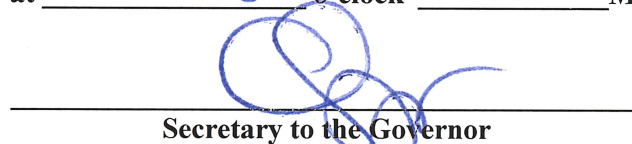

President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this
9th day of April, 20 18

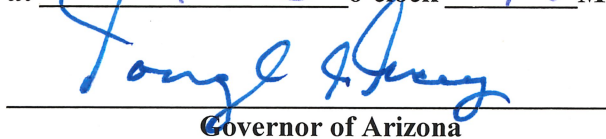
at 5:00 o'clock P. M.


Secretary to the Governor

Approved this 12th day of

April 2018

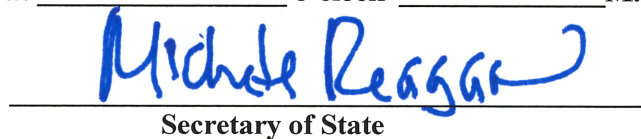
at 4:58 o'clock P. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State
this 13 day of April, 20 18

at 4:50 o'clock P. M.


Secretary of State